

ENVIRONMENTAL JUSTICE AND TRI HITA KARANA IN COASTAL WASTE MANAGEMENT: A SOCIO-LEGAL STUDY IN BALI

JUSTIÇA AMBIENTAL E TRI HITA KARANA NA GESTÃO DE RESÍDUOS COSTEIROS: UM ESTUDO SOCIOJURÍDICO EM BALI

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Abstract

The rapid growth of coastal tourism in Bali has increased waste generation, particularly plastic, which threatens marine ecosystems, coastal aesthetics, and the image of tourist destinations. This study aims to develop a model for a cooperation agreement between business actors and traditional leaders for waste management based on environmental justice and the local wisdom of Tri Hita Karana. A socio-legal approach was used through field research, interviews with traditional leaders, local governments, and business actors, as well as analysis of primary and secondary legal materials. Data were analyzed descriptively and analytically using a collaborative governance and environmental justice framework. The results show that waste management in Bali faces challenges such as limited infrastructure, low public awareness, and lack of coordination. A cooperation agreement based on a Memorandum of Understanding (MoU) and a Partnership Agreement can integrate customary and positive law, strengthen the role of traditional villages, and support the SDGs (Goals 6, 8, 11, 12, 14, 17). This model offers an inclusive solution for sustainable waste management, increases Bali's tourism competitiveness, and preserves the environment and culture. Recommendations include strengthening the capacity of traditional villages and standardizing the TPS3R

Resumo

O rápido crescimento do turismo costeiro em Bali aumentou a geração de resíduos, particularmente plásticos, o que ameaça os ecossistemas marinhos, a estética costeira e a imagem dos destinos turísticos. Este estudo tem como objetivo desenvolver um modelo de acordo de cooperação entre atores empresariais e líderes tradicionais para a gestão de resíduos com base na justiça ambiental e na sabedoria local de Tri Hita Karana. Foi utilizada uma abordagem sociojurídica por meio de pesquisa de campo, entrevistas com líderes tradicionais, governos locais e atores empresariais, bem como análise de materiais jurídicos primários e secundários. Os dados foram analisados de forma descritiva e analítica utilizando uma estrutura de governança colaborativa e justiça ambiental. Os resultados mostram que a gestão de resíduos em Bali enfrenta desafios como infraestrutura limitada, baixa conscientização pública e falta de coordenação. Um acordo de cooperação baseado em um Memorando de Entendimento (MoU) e um Acordo de Parceria pode integrar o direito consuetudinário e o direito positivo, fortalecer o papel das aldeias tradicionais e apoiar os ODS (Objetivos 6, 8, 11, 12, 14, 17). Este modelo oferece uma solução inclusiva para a gestão sustentável de resíduos, aumenta a competitividade do turismo em Bali e preserva o meio ambiente e a cultura. As recomendações incluem o fortalecimento da



infrastructure to support effective implementation.

Keywords: Waste Management. Coastal Tourism. Cooperation Agreement. Tri Hita Karana. Environmental Justice. Collaborative Governance.

capacidade das aldeias tradicionais e a padronização da infraestrutura TPS3R para apoiar a implementação eficaz.

Palavras-chave: *Gestão de resíduos. Turismo costeiro. Acordo de cooperação. Tri Hita Karana. Justiça ambiental. Governança colaborativa.*

1 INTRODUCTION

As the world's largest archipelagic nation, Indonesia boasts a coastline of 108,000 kilometers, making it one of the countries with the longest coastlines in the world (Sya & Harahap, 2022). Coastal tourism potential is immense, particularly in Bali, known for its white sandy beaches, beautiful coral reefs, and distinctive Hindu-Balinese culture. Coastal areas such as Sanur, Kuta, Seminyak, and Nusa Dua offer a blend of nature and local culture. However, rapid tourism development has given rise to complex problems, ranging from environmental degradation and gentrification to the marginalization of indigenous communities.

Sustainable tourism in Indonesia's coastal areas has become a strategic issue as pressure on coastal ecosystems increases due to the rapid growth of the tourism sector (Allokendek *et al.*, 2024). This concept aligns with the SDGs, particularly Goal 8 (sustainable economic growth) and Goal 14 (life below sea level). Conflicts of interest often arise between businesses, local communities, and the government, particularly regarding natural resource management and cultural preservation. The main challenge is ensuring that indigenous communities, as holders of local wisdom, are involved in coastal area governance (Rahmawati & Afriandi, 2024; Gunawan *et al.*, 2025).

One crucial issue is waste management. The surge in tourist arrivals, recorded at 4.75% in March 2025, has had an economic impact but has also triggered unmanageable waste generation (BPS Bali, 2025). Popular beaches like Kuta and Legian receive up to 60 tons of plastic waste annually (Bali.com, n.d.). Waste damages aesthetics, degrades environmental quality, and threatens marine ecosystems, thus impacting Bali's image as a leading destination (Giesler, 2018). Natural resource management in Bali is not only the responsibility of the government but also of indigenous communities through the local wisdom of Tri Hita Karana (harmony between humans and God, each other, and nature). Customary leaders, or Bendesa Adat, play a crucial role in managing the area based on

customary law (*awig-awig*). The *subak* system, customary sea guardians (*sate karang*), and rituals like *Melasti* demonstrate the close connection between indigenous communities and the sea. Ignoring their role has the potential to lead to social conflict and the failure of development programs.

Various waste management programs have been implemented, ranging from beach cleanups and the provision of separate trash bins to educational campaigns. However, their effectiveness remains limited due to low tourist involvement, weak law enforcement, and minimal contribution from businesses in education. The problem becomes even more complex during the holiday or rainy season, when waste volumes increase sharply. In this context, Traditional Villages play a crucial role. They develop customary regulations (*pararem*) regarding waste, which include prohibitions on littering, mandatory waste sorting, and customary sanctions for violators (Pamungkas *et al.*, 2021). These regulations have proven to be more widely adhered to due to their cultural legitimacy. However, challenges remain, particularly in reaching foreign tourists and building synergies with businesses.

One solution is a cooperation agreement between businesses and the Traditional Village Head. This agreement can bridge economic interests with environmental conservation, based on the principles of *Tri Hita Karana*. This way, tourism development is not solely focused on profit but also on maintaining cultural and environmental sustainability (Ardhiatma, 2025). However, its implementation faces legal challenges, such as differences between customary and positive law, the status of customary villages, conflicts over authority with official villages, and imbalanced bargaining power between investors and indigenous communities. Furthermore, the concept of customary land as non-tradable adds to the complexity. Therefore, an effective agreement model is needed that takes into account customary rights within customary villages, integrates *Tri Hita Karana* values, shares profits based on mutual cooperation (*ngayah*), protects ecosystems, preserves traditions, and resolves disputes through customary institutions. This model must also be adaptive to socioeconomic dynamics and global challenges such as climate change.

Studies on cooperation agreements in sustainable tourism on Bali's coast are still limited. Previous research has focused on environmental or cultural impacts separately, failing to integrate legal, cultural, and sustainability aspects. Integrating these three aspects is crucial for creating a development model that aligns with Bali's characteristics.

To build inclusive governance, the concepts of collaborative governance and environmental justice need to be implemented. Collaborative governance encourages synergy between the government, business actors, and indigenous communities in joint decision-making (Ansell & Gash, 2008). Meanwhile, the principle of environmental justice ensures fair distribution of benefits, equal participation, and protection of vulnerable groups (Emerson *et al.*, 2012). The urgency of this research is heightened by growing investor interest in Bali's coastal areas. The Bali Provincial Government is promoting the development of sustainable cultural tourism through the concept of "A Quality and Sustainable Culture-Based Bali." However, without a clear legal framework, conflict and environmental damage could potentially escalate. Indigenous communities' rejection of large-scale projects in Bali demonstrates the need for solutions that are acceptable to all parties.

This research is expected to contribute to legal science, particularly contract law that integrates Balinese customary law, and provide practical recommendations for stakeholders. The resulting agreement model can serve as a reference for other regions in Indonesia with similar characteristics. Therefore, the results of this research are not only academically useful but can also be implemented to achieve sustainable, equitable tourism development that respects the rights of the Balinese Hindu indigenous community, while preserving coastal areas as a cultural and natural heritage.

2 RESEARCH METHODOLOGY

This research focuses on the concept of a cooperation agreement on waste management between business actors and traditional leaders in Bali's coastal tourism areas, using a socio-legal approach. The socio-legal approach aims to understand the relationship between law and social dynamics and the factors influencing its implementation in society. Generally, this study is conducted through field research to obtain objective empirical data. As legal research with a social science approach, socio-legal studies seek to explore the experiences of research subjects regarding their behavior, perceptions, and motivations regarding legal practices in specific contexts. The data collected includes primary legal materials (laws, regional regulations) and secondary legal materials (literature, journals, and previous research).

In addition, this research also involved interviews with relevant parties such as traditional leaders, local governments, and provincial agencies, as well as direct observation of the implementation of sustainable coastal tourism in Bali. Data analysis was conducted descriptively and analytically, connecting empirical and normative findings through the theoretical framework of collaborative governance and environmental justice. Through this method, it is hoped that legal norms and cooperation agreement models can be formulated that are not only in line with Indonesian positive law but also strengthen local wisdom values and principles of environmental justice in sustainable coastal area management.

3 RESULT AND DISCUSSION

3.1 The reality of waste management in coastal areas of Bali to realize sustainable tourism

Coastal management in Bali is a strategic issue in realizing sustainable tourism. Coastal areas serve as tourism hubs and spaces for local social, economic, and cultural activities. However, the rapid growth of tourism has raised environmental governance issues, particularly pollution and waste management. Waste generation in Bali is increasing due to population density and tourism activities, dominated by organic and hazardous waste (Widyarsana & Agustina, 2020; Kartowijono *et al.*, 2024; Febriyani & Hartiwingsih, 2022). The growth of tourists, the development of tourism infrastructure, and lifestyle changes are increasing pressure on the coastal environment, in part due to the accumulation of unmanaged waste. Hendrawan *et al.* (2023) emphasized that plastic is the largest component of coastal waste, negatively impacting marine ecosystems and the tourism sector.

In response, the Bali Provincial Government issued a source-based waste management policy through Bali Governor's Circular Letter Number 09 of 2025. This regulation requires communities and businesses to separate waste at the source and reduce the use of single-use plastics. Furthermore, the government is encouraging the establishment of Reduce, Reuse, and Recycle Waste Processing Facilities (TPS3R) at the village and business levels. However, implementation is not yet evenly distributed across all regions, including coastal areas. Some traditional villages and businesses have

implemented the program effectively, but the program's effectiveness is largely determined by the awareness and participation of the community, traditional leaders, and the business sector. Strengthening efforts, including cross-stakeholder synergy and training for local communities, such as the traditional Pacalang training, are crucial factors in the program's success.

Obstacles that arise include limited infrastructure, such as waste sorting facilities (TPS3R) and the low technical capacity of waste management in traditional villages and the business sector. Therefore, management effectiveness still needs to be improved (Sudiana *et al.*, 2025). The Inspectorate, along with relevant agencies, regularly conducts monitoring and evaluation to assess the reduction of single-use plastics and improvements in waste management in government offices and the business sector. The results show differences in implementation across regions, indicating challenges in standardizing implementation (Bali Provincial Inspectorate, 2025).

Pradnyana and Kusmana (2024) revealed that low public awareness of the importance of waste sorting remains a major problem. Many residents have not yet made a habit of sorting their waste or utilizing available collection facilities. In this context, the role of indigenous communities is crucial, as traditional villages have autonomy to manage their territories. The government serves as a supervisor and observer of these practices. An example of this implementation can be seen at Pandawa Beach, managed by the Kutuh Traditional Village, using conservation, education, training, research, and tourism-based marine cultivation approaches. Likewise, in the coastal area of Seminyak Village, Badung, management was handed over to the traditional village so that they became the main managers of the coastal area (Arifianto *et al.*, 2023; Silviana *et al.*, 2021).

Bali has several regulations governing coastal and waste management, including Bali Provincial Regulation No. 5 of 2011 concerning Waste Management, Bali gubernatorial Regulation No. 47 of 2019 concerning Source-Based Waste Management, and a Governor's Circular emphasizing mandatory sorting and restrictions on single-use plastics. In the coastal sector, the legal basis includes Regional Regulation No. 16 of 2009 concerning the Bali Provincial Spatial Plan and Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands and their derivative regulations. Furthermore, the Marine Spatial Utilization Activity Compliance (KKPRL) document

serves as a technical instrument to ensure business activities comply with spatial planning and environmental sustainability ((Rochmani *et al.*, 2025).

Customary law is also a crucial element in sustainable tourism management in Bali. This regulation strengthens the role of communities in controlling resources and supports the effective use of local infrastructure (Rosalina *et al.*, 2023). The Tri Hita Karana principle, which emphasizes harmony between humans, nature, and spirituality, serves as the foundation for tourism resource management. This approach is also applied in spatial planning, involving traditional villages to preserve cultural heritage (Mangku *et al.*, 2021). Integrating cultural values and local wisdom into waste management policies in Bali aims to ensure that practices are not merely technical but also maintain harmony between culture and the environment. Indigenous community participation plays a crucial role in decision-making regarding coastal use and protection. Synergy between village offices, traditional villages, businesses, and local government is key to sustainable coastal management.

Although policies exist, their implementation is not consistent across the region. The success of the program depends heavily on the awareness and participation of communities, traditional leaders, and businesses. Cross-sector collaboration is essential. Traditional leaders serve as socio-cultural supervisors, businesses are responsible for waste management, and the government acts as a regulator. Amantha (2025) emphasizes that this practice aligns with the concept of collaborative governance, which emphasizes active participation, deliberative dialogue, and shared responsibility, resulting in more inclusive and effective policies. Optimal waste management will strengthen Bali's tourism appeal. Conversely, poor management will damage Bali's image and negatively impact the economy. Coastal waste has multidimensional impacts: accelerating marine ecosystem degradation, reducing biodiversity, posing health risks due to microplastics and pathogens, and reducing beach aesthetics and tourist visits (Tosepu & Nasibah, 2025).

Achieving sustainable tourism in Bali requires integrated and participatory coastal management. Synergy between spatial planning policies, upstream and downstream waste management, and strengthening the role of communities and traditional villages is key. In this way, Bali can maintain its appeal as a global tourist destination while preserving the local environment and culture for future generations. Collaboration between businesses, indigenous communities, and the government is essential to ensure

integrated, participatory coastal waste management, and support the sustainability of Bali's environment and culture.

3.2 Form and substance of the cooperation agreement between business actors and traditional leaders in waste management in the Bali coastal tourism area

Bali, as a global tourism destination, faces serious challenges in coastal areas due to increased tourism activity and population density. Popular beaches such as Kuta, Seminyak, Legian, Jimbaran, and Kedonganan are frequently flooded with trash, especially during the rainy season. Despite regular clean-up efforts, this problem is systemic and remains unresolved. The accumulation of trash degrades environmental quality, reduces tourist comfort, and undermines Bali's image as an environmentally friendly destination. If not addressed promptly, the waste crisis could threaten the foundations of sustainable tourism. Therefore, collective collaboration between the government, businesses, and indigenous communities through a cooperative agreement mechanism is necessary.

According to Article 1313 of the Civil Code, an agreement is an act by which one or more persons bind themselves to another. Black's Law Dictionary defines a contract as an agreement that creates specific obligations (Black, 1990). Mertokusumo (1986) lists the elements of an agreement as the existence of parties, agreement, performance, lawful cause, specific form, content requirements, and objectives to be achieved. The purpose of an agreement is to create a fair and proportional exchange of rights and obligations.

The parties involved include the central government (Ministry of Environment and Ministry of Marine Affairs and Fisheries), local governments, indigenous communities who play a key role in Balinese customary law, and business actors. To prevent any single party from dominating the law, the agreement must be based on the principle of legal balance. The ideal form of an agreement begins with a Memorandum of Understanding (MoU), which is detailed in a Cooperation Agreement (PKS). Pratama (2016) emphasized that an MoU that meets the requirements of Article 1320 of the Civil Code has the same legal force as an agreement under the Indonesian legal system.

Legal principles that must be met include consensualism, namely the agreement of the parties (Budiono, 2001); the principle of *pacta sunt servanda*, which requires the implementation of agreements in good faith (Situngkir, 2018); and the principle of trust

in contracts (Muhtarom, 2014). Rights and obligations are also regulated: business actors are required to manage waste according to standards, provide sorting facilities, and contribute to collective funds; while traditional leaders coordinate the community, supervise, and implement customary sanctions. Dispute resolution is prioritized through customary deliberation, followed by formal legal channels if necessary. This agreement integrates civil law with Balinese customary law values. The Sad Kertih values, such as Atma Kerti, Segara Kerti, Danu Kerti, Wana Kerti, Jagat Kerti, and Jana Kerti, form the philosophical foundation (Pradipta & Putri, 2024). Zen *et al.* (2024) emphasize its connection to Tri Hita Karana. In the context of coastal waste management, the values of Segara Kerti, Jagat Kerti, and Jana Kerti are highly relevant.

Furthermore, the cooperation agreement should consider the theory of environmental justice, namely the equitable distribution of responsibilities, benefits, and risks, while ensuring the participation of indigenous communities as the primary affected parties. This instrument not only promotes sustainable waste management but also strengthens socio-ecological justice. From a Sustainable Development Goals (SDGs) perspective, this collaboration supports SDG 17 (partnerships), SDG 6 (clean water), SDG 11 (sustainable human settlements), SDG 14 (marine ecosystems), and SDGs 8 and 12 (inclusive economy, sustainable consumption and production). Cross-stakeholder collaboration strengthens social inclusion, integrates local wisdom such as Sad Kertih, opens up circular economy opportunities, and maintains Bali's tourism competitiveness (Masum *et al.*, 2024; Zhao *et al.*, 2023). Therefore, this cooperation agreement is not only an environmental solution but also a strategic instrument for realizing sustainable development in Bali.

4 CONCLUSION

Waste management in Bali's coastal tourism areas is a crucial issue affecting the sustainability of tourism, the environment, and local culture. The rapid growth of tourists and the development of tourism infrastructure have increased waste generation, particularly plastic, threatening marine ecosystems, coastal aesthetics, and Bali's image as a leading tourist destination. Various policies, such as Bali Provincial Regulation No. 5 of 2011, Gubernatorial Regulation No. 47 of 2019, and Bali Governor's Circular No. 09 of 2025, have been implemented to manage source-based waste. However, their

implementation still faces challenges such as limited infrastructure, low public awareness, and lack of coordination between stakeholders.

A cooperation agreement between business actors and traditional leaders is a strategic solution to bridge economic, environmental, and cultural interests. This agreement, based on the principles of Tri Hita Karana, Sad Kertih, and environmental justice, integrates Balinese customary law with positive law, ensures the participation of indigenous communities, and encourages sustainable waste management. The agreements include Memoranda of Understanding (MoUs) and Cooperation Agreements (PKS) that adhere to legal principles such as consensualism, *pacta sunt servanda*, and trust, with a dispute resolution mechanism through customary deliberation. This collaboration supports the SDGs, particularly goals 6, 8, 11, 12, 14, and 17, and strengthens inclusive collaborative governance.

This research recommends strengthening the capacity of traditional villages, providing technical training in waste management, and standardizing infrastructure such as waste disposal facilities (TPS3R). The resulting model agreements can serve as a reference for other regions with similar characteristics, ensuring equitable tourism development, respecting local wisdom, and preserving the coastal environment. With synergy between the government, businesses, and indigenous communities, Bali can maintain its attractiveness as a global tourist destination while preserving its cultural and natural heritage for future generations.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

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